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December 7, 2007

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***By Efiling and Hand Delivery***

The Honorable Leonard P. Stark  
United States District Court  
844 North King Street  
Wilmington, DE 19801

***Re: Sea Star Line, LLC. v. Emerald Equipment Leasing, Inc.***  
***C.A. No.: 05-245 (JJF)(LPS)***

Dear Judge Stark:

We represent Sea Star Line, LLC ("Sea Star"). By Order dated November 20, 2007, the parties were required to confer in an attempt to agree on a proposed discovery schedule relating to the Amended Counterclaim. The parties have conferred and have agreed that discovery should be completed by March 1, 2008. However, the parties were unable to agree on the scope of the discovery.

Emerald Equipment Leasing, Inc. ("Emerald") filed a Motion to Compel Certain Documents (D.I. 115) and a Motion to Compel Responses to Certain Interrogatories (D.I. 114) ("Discovery Motions"). By Order August 23, 2007, the Court denied the Discovery Motions. Thereafter, in accordance with the Court's instruction, Emerald filed its submission relating to Baxter Healthcare, Inc.

After the Amended Counterclaim was referred to Your Honor, the parties completed their submissions relating to the issues raised by the Baxter Healthcare, Inc. letter. Those issues are currently pending before the Court.

Emerald has advised that it intends to renew the Discovery Motions.

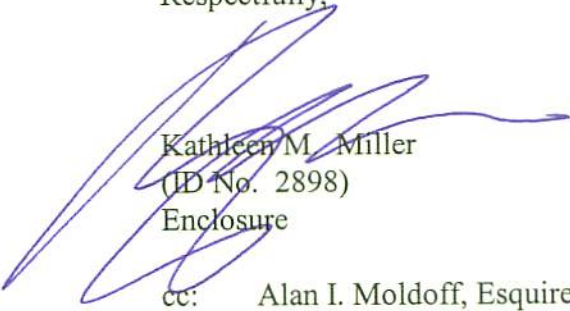
When Judge Farnan severed the Complaint from the Amended Counterclaim, he indicated that his calendar was open for a trial in February on the Complaint and in April for trial on the Amended Counterclaim. The parties are waiting for the trial dates to be set by the Court.

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Sea Star believes that the time remaining on the discovery schedule related to the Amended Counterclaim should be limited to completing discovery which has already been initiated. This would include the discovery requested by Emerald, if the renewed Discovery Motions are granted and discovery related to the Baxter Healthcare, Inc. issue, should the Court permit any further discovery. Sea Star does not believe Emerald should be permitted to continue to initiate discovery. Emerald has had sufficient time to initiate discovery since this case was filed in 2004 in the Middle District of Florida. Additionally, allowing Emerald an "open" discovery period would be prejudicial as Sea Star will be preparing for the February trial on the Complaint and would be required to respond to potentially unfettered discovery at the same time.

At this time, Sea Star believes that the only date that needs to be set by the Court is the discovery cut-off date. If the Court allows additional discovery related to the pending issues or the renewed Discovery Motions, response deadlines will be governed by the discovery rules. Accordingly, enclosed is Sea Star's proposed Order setting the discovery cut-off date.

Respectfully,



Kathleen M. Miller  
(ID No. 2898)  
Enclosure

cc: Alan I. Moldoff, Esquire (w/o encl)(by fax)  
Timothy Armstrong, Esquire (w/o encl)(by email)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SEA STAR LINE, LLC	:	
	:	
Plaintiff/	:	
Counterclaim Defendant,	:	
	:	
v.	:	Civ. No. 05-245-JJF-LPS
	:	
EMERALD EQUIPMENT LEASING, INC.	:	
	:	
Defendant/	:	
Counterclaim Plaintiff,	:	

**SCHEDULING ORDER**

**WHEREAS**, the Complaint was severed from the Amended Counterclaim, by order dated November 2, 2007.

**WHEREAS**, the Amended Counterclaim was referred to Magistrate Judge Stark to regulate and resolve all pre-trial matters up to and including the pre-trial conference, subject to 28 U.S.C. Section 636(b)(1)(B) and any further Order of the Court (D.I. 142); and

**WHEREAS**, the Court has proposed that trial on the Amended Counterclaim be held in April, 2007;

**WHEREAS**, this order will govern the discovery related to the Counterclaim;

**NOW THEREFORE**, it is hereby ORDERED that:

All outstanding discovery shall be completed by March 1, 2007.

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UNITED STATES MAGISTRATE JUDGE